

REMARKS

Claims 2-18, 42-46, and 57-66 are pending in the present application. By virtue of this response, claim 66 has been cancelled, without prejudice. Accordingly, claims 2-18, 42-46, and 57-65 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Information Disclosure Statement

Applicant notes that in the Information Disclosure Statement mailed April 24, 2000, which was initialed and returned to Applicant, it is not clear that the Examiner initialed reference 36, Shamblott et al., as being considered. Applicant requests that the Examiner clarify that Shamblott et al. has been considered. Applicant notes that in the Information Disclosure Statement mailed March 20, 2002, which was initialed and returned to Applicant, the Examiner crossed off reference 2, a Communication Pursuant to Article 115(2) EPC. Applicant requests that the Examiner clarify for the record that this reference was considered. In the Information Disclosure Statement (IDS) mailed August 29, 2000, which was initialed and returned to Applicant, the Examiner crossed out reference, DE 19606207 A1 and WO 97/01644 stating that the IDS did not comply with 37 C.F.R. 1.98(a)(3). 37 C.F.R. 1.98(a)(3)(ii) states a copy of an English-language translation or portion thereof, shall be included in an IDS. Applicant points out that a written English language translation of the abstract for WO 97/01644 was provided as well as its 371 US national stage issued Patent No. 6,007,993 (see IDS mailed November 16, 2000). Regarding DE 19606207 A1, Applicant points out that the 371 US national stage issued US patent No. 6,171,858 (based on the PCT application WO 97/31266, published August 28, 1997, which claimed benefit of priority to DE 19606207) was submitted in the IDS mailed February 25, 2005. Applicant submits concurrently herewith a written English language translation of DE 19606207.

Rejection Under 35 U.S.C. §112, first paragraph

Claim 66 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description and enablement requirement.

Applicant traverses this rejection of claim 66. Applicant submits that claim 66 is in full compliance with section 112, first paragraph. Without acquiescing to these rejections and solely in an effort to expedite prosecution, Applicant has cancelled claim 66 thereby obviating this rejection of claims.

Claims 2-18, 42-26 and 57-65 in Condition for Allowance

Applicant acknowledges that the Examiner has indicated that claims 2-18, 42-26 and 57-65 are in condition for allowance.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 441472000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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